

# **Exhibit 104**

CONFIDENTIAL  
Lill Drost - October 1, 2021

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MASTER DOCKET 18-MD-2865 (LAK)

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IN RE: )  
)  
)

CUSTOMS AND TAX ADMINISTRATION OF )  
THE KINGDOM OF DENMARK )  
(SKATTEFORVALTNINGEN) TAX REFUND )  
SCHEME LITIGATION )  
)  
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C O N F I D E N T I A L

VIDEO DEPOSITION OF  
LILL DROST  
Copenhagen, Denmark  
Friday, October 1, 2021

Reported by: CHRISTINE MYERLY

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21 (Pages 78 to 81)

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<p>1 MR. OXFORD: Objection to form.</p> <p>2 A My staff became aware that there</p> <p>3 was apparently an attempt of fraud with dividend</p> <p>4 tax -- dividend tax reclaim. Sorry.</p> <p>5 BY MR. DULBERG:</p> <p>6 Q But you knew about that in August</p> <p>7 of 2015, correct?</p> <p>8 MR. OXFORD: Objection to form.</p> <p>9 A No, I do not think that we did. I</p> <p>10 don't know.</p> <p>11 BY MR. DULBERG:</p> <p>12 Q Didn't we earlier look at an</p> <p>13 e-mail from Michael Amstrup to Anne Munksgaard in</p> <p>14 June of 2015?</p> <p>15 MR. OXFORD: Objection to form.</p> <p>16 A Yes. I am sorry, I am mixing</p> <p>17 different things. I thought that we were looking at</p> <p>18 the page ending in 446 that says, "Attempted fraud."</p> <p>19 THE WITNESS: Sorry.</p> <p>20 BY MR. DULBERG:</p> <p>21 Q No problem at all. My question</p> <p>22 for you is, what led SKAT to provide the additional</p> <p>23 notification that begins on the page ending 448?</p> <p>24 MR. OXFORD: Objection to form.</p> <p>25 A My staff discovered that there was</p>	<p>1 more than what they had initially sent to S□IK.</p> <p>2 MR. OXFORD: He may not be saying</p> <p>3 anything. Are you trying to examine the witness,</p> <p>4 Drew?</p> <p>5 BY MR. DULBERG:</p> <p>6 Q If you look at the page ending in</p> <p>7 449, do you see that?</p> <p>8 A Yes.</p> <p>9 Q It describes information SKAT has</p> <p>10 received from authorities in the UK, correct?</p> <p>11 A Yes.</p> <p>12 Q And it says -- after the sentence</p> <p>13 that ends with S□IK, it describes the purchase and</p> <p>14 sale of each share, do you see that?</p> <p>15 MR. OXFORD: Objection to form.</p> <p>16 A Yes.</p> <p>17 BY MR. DULBERG:</p> <p>18 Q And that first sentence underneath</p> <p>19 the reference to one and two, most of the way down</p> <p>20 the page, refers to very large trades in Danish</p> <p>21 shares, correct?</p> <p>22 MR. OXFORD: Objection to the form.</p> <p>23 A I don't see -- no, it says equally</p> <p>24 large -- equally large purchases and sales of the</p> <p>25 individual shares.</p>
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<p>1 BY MR. DULBERG:</p> <p>2 Q If we look to the bottom of the</p> <p>3 first page of this note ending in 448, what we are</p> <p>4 talking about here are American and Canadian pension</p> <p>5 plans, do you see that?</p> <p>6 A Yes.</p> <p>7 Q And the UK authorities had told</p> <p>8 SKAT that American pension plans were placing very</p> <p>9 large purchases, sales of Danish securities?</p> <p>10 MR. OXFORD: Objection to form.</p> <p>11 BY MR. DULBERG:</p> <p>12 Q Correct?</p> <p>13 A I don't see what it is that you</p> <p>14 are referring to.</p> <p>15 Q Okay. Let's go to Exhibit 4017.</p> <p>16 MR. OXFORD: It's the other binder.</p> <p>17 Q Sorry for all the binders.</p> <p>18 Occupational hazard.</p> <p>19 MR. OXFORD: We're happy to limit it to</p> <p>20 one binder per deposition.</p> <p>21 Q Is this an e-mail you received</p> <p>22 from Lars Neilsen?</p> <p>23 A Yes.</p> <p>24 Q And we talked about him before, he</p> <p>25 worked in special control, correct?</p>	<p>1 A Yes.</p> <p>2 Q He attached a draft agenda for a</p> <p>3 meeting with the IRS, correct?</p> <p>4 A Yes.</p> <p>5 Q Did you help prepare that agenda?</p> <p>6 A No.</p> <p>7 Q You did eventually attend a</p> <p>8 meeting with the IRS, correct?</p> <p>9 A Yes. I participated together with</p> <p>10 someone from competent authorities. It is standard</p> <p>11 that you have somebody from management with you.</p> <p>12 Q Was that Bert?</p> <p>13 A Bent.</p> <p>14 Q Bent Bertelsen?</p> <p>15 THE INTERPRETER: Just checking the</p> <p>16 spelling.</p> <p>17 Q I believe it's B-E-R-T-E-L-S-E-N.</p> <p>18 If you look at the proposed agenda for the meeting</p> <p>19 with the IRS, it notes that SKAT wishes to have a</p> <p>20 meeting in person with the IRS officials under the</p> <p>21 J-I-T-S-I-C umbrella, do you see that?</p> <p>22 A Is everything in English?</p> <p>23 Q This is the document as we</p> <p>24 received it. So it is in English, and then I</p> <p>25 believe a Danish version is -- has a strike through.</p>

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24 (Pages 90 to 93)

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<p>1 A I need for you to repeat it, then.</p> <p>2 Q Hadn't Mr. Ekstrand suggested that</p> <p>3 the only purpose -- withdrawn. Hadn't Mr. Ekstrand</p> <p>4 suggested that SKAT could not have a</p> <p>5 backward-looking purpose in meeting with the IRS?</p> <p>6 MR. OXFORD: Objection to form.</p> <p>7 A No, I don't think so.</p> <p>8 BY MR. DULBERG:</p> <p>9 Q Do you recall that being an issue</p> <p>10 raised by the legal department?</p> <p>11 MR. OXFORD: Objection to form.</p> <p>12 A I don't even know what we are</p> <p>13 talking about now.</p> <p>14 BY MR. DULBERG:</p> <p>15 Q Did you ultimately attend the</p> <p>16 meeting with the IRS?</p> <p>17 MR. OXFORD: Objection to form.</p> <p>18 A Yes.</p> <p>19 BY MR. DULBERG:</p> <p>20 Q That meeting took place under the</p> <p>21 JITSIC umbrella, correct?</p> <p>22 A And now I can say yes to this,</p> <p>23 because I can see that Lars Andersen was there</p> <p>24 and -- so, I can say yes because I can see Lars</p> <p>25 Andersen was there and he was under the umbrella of</p>	<p>1 JITSIC, and Bent Bertelsen, he was there from</p> <p>2 competent authority.</p> <p>3 Q The meeting took place in</p> <p>4 Washington D.C., correct?</p> <p>5 A Yes.</p> <p>6 Q And can you tell me everyone who</p> <p>7 attended on behalf of SKAT?</p> <p>8 A Yes. So, I -- I was there,</p> <p>9 Christian Ekstrand, Lars Andersen, Bent Bertelsen</p> <p>10 and Bente Frellesen. I might have forgotten one.</p> <p>11 As well as Lars Møller Nielsen.</p> <p>12 Q Six people in total?</p> <p>13 A That is what I remember. I may</p> <p>14 not remember this correctly. This is long ago.</p> <p>15 Q Did you all fly together from</p> <p>16 Denmark?</p> <p>17 A Yes. I don't know about Lars</p> <p>18 Andersen, but I think so.</p> <p>19 Q Do you know who paid for the</p> <p>20 flights?</p> <p>21 A SKAT. SKAT, I assume. I don't</p> <p>22 know. Yes, they did.</p> <p>23 Q Certainly you did not pay for your</p> <p>24 own trip to Washington D.C., correct?</p> <p>25 A No.</p>
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<p>1 Q SKAT paid, right?</p> <p>2 A Yes.</p> <p>3 Q Where did you stay?</p> <p>4 A I don't remember the name of the</p> <p>5 hotel, but we have a unit in charge of booking</p> <p>6 hotels nearby the venue.</p> <p>7 Q What do you recall in terms of the</p> <p>8 substance of the meeting with the IRS?</p> <p>9 A So, as a manager, it is always</p> <p>10 nice to go out and meet other tax authorities. And</p> <p>11 I found out that my staff also had very fruitful</p> <p>12 discussions.</p> <p>13 Q At any time do you remember the</p> <p>14 IRS saying that there was a problem or deficiency</p> <p>15 with any U.S. pension plan?</p> <p>16 MR. OXFORD: Objection to form.</p> <p>17 A I don't remember the details, but</p> <p>18 I remember that my staff had their -- some of their</p> <p>19 suspicions confirmed, and that we gained a better</p> <p>20 understanding of the relevant rules.</p> <p>21 BY MR. DULBERG:</p> <p>22 Q Can you identify any information</p> <p>23 the IRS provided that confirmed a suspicion held by</p> <p>24 any member of your staff?</p> <p>25 A I don't remember.</p>	<p>1 Q There were minutes maintained by</p> <p>2 SKAT summarizing this meeting, correct?</p> <p>3 A I don't remember. But usually</p> <p>4 that is what we do.</p> <p>5 Q If you can find Exhibit 4024, I</p> <p>6 think you will find those minutes. Do you see</p> <p>7 Exhibit 4024?</p> <p>8 A Yes.</p> <p>9 Q Is this an e-mail you received</p> <p>10 from Bent Bertelsen?</p> <p>11 A Yes.</p> <p>12 Q You sent it to a group that</p> <p>13 attended the meeting with the IRS, correct?</p> <p>14 A Yes. Then he has cc-ed his boss.</p> <p>15 Q That is Kai Jacobsen?</p> <p>16 A Yes.</p> <p>17 Q He attached his notes from his</p> <p>18 meeting with the IRS, correct?</p> <p>19 MR. OXFORD: Objection to the form.</p> <p>20 A Yes. Well, I can't really see</p> <p>21 whether it is his.</p> <p>22 BY MR. DULBERG:</p> <p>23 Q Well, it is notes that he has</p> <p>24 combined with comments of Lars Andersen and Lars</p> <p>25 Nielsen based on his e-mail, correct?</p>